GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

WRD – IS&WR - Payment of arrears of retainer fee and other benefits from 16th June 2010 to 28th March, 2013 as per revised fee structure of Late Sri M. Subrahmanyam, Advocate sanctioned vide G.O.Rt.No.479, Dt: 18.08.2014 – Orders – Issued.
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WATER RESOURCES (IS.EA) DEPARTMENT

G.O.MS.No. 85 Dated: 24-12-2019.

Read the following:

1. G.O.Rt.No.653, I&CAD (PW.IS) Department, Dt: 01-10-2010.
2. G.O.Rt.No.545 I&CAD (PW.IS) Department, Dt: 26-09-2012.
3. G.O.Rt.No.613 I&CAD(PW.IS) Department, Dt: 03-10-2011.
4. G.O.Rt.No.125 I&CAD (PW.IS) Department, Dt: 05-03-2013.
5. G.O.Rt.No.479, I&C (PW.IS) Department, Dt:18-08-2014
6. From Smt. S.Rajyalakshmi, W/o Late M. Subrahmanyam, Advocate, Hyderabad, Dt:03.10.2018.
7. From the Chief Engineer, IS&WR, Lr.No.CE(ISWR)/DD (V)/DEE1/AEE2 /2014, Vol.III, Dt: 26.10.2018 and Dt:23.09.2019.

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ORDER:

In the reference 1st read above, Sri M. Subrahmanyam, Advocate was appointed as one of the Legal Team member for representing the Government of Andhra Pradesh before Vamsadhara Water Disputes Tribunal.

2. In the reference 2nd read above, the fee structure of Sri M. Subrahmanyam was approved by the Government.

3. In the reference 3rd read above, as per the suggestions made by the Advocate General, the legal team comprising 5 members was modified in which 2 members are of earlier legal team i.e., Sri C.S. Vaidhyanadhan, Sr. Advocate and late Sri M. Subrahmanyam, Advocate and the following are the new members:

1. Sri A.S.Prasad, Sr.Advocate
2. Sri. Badana Bhaskara Rao, AAG
3. Sri. M.Vishnu Vardhana Reddy, Advocate.

4. In the reference 4th read above, the fee structure of Sri. A.S. Prasad, Sr. Advocate and Sri. M. Vishnu Vardhana Reddy was approved.

5. Sri. M. Subrahmanyam has put in a representation on 28-3-2013 requesting for fixation of his fee on par with Sri. M. Vishnu Vardhana Reddy,

Advocate sanctioned in G.O. 4th above, as there was a difference in fee structure of Sri. M. Vishnu Vardhana Reddy and that of Sri. M. Subrahmanyam.

6. In the reference 5th read above, Government have sanctioned revised fee structure of Sri. M. Subrahmanyam, Advocate on par with that of Sri. M. Vishnu Vardhana Reddy, Advocate.

7. Meanwhile, Sri. M. Subrahmanyam has expired on 22-7-2013.

8. Since, the effective date of implementation of revised fee structure was not mentioned in the above G.O, the date of application i.e., 28-3-2013 is considered for making payment.

9. Smt. S. Rajyalakshmi, W/o Late. M. Subrahmanyam has represented the Government on 19-3-2015 to consider the date of appointment of Sri. M. Subrahmanyam for implementation of revised fee structure and it was informed to her vide Government Memo No. 3969/IS.EA/2015 Dt. 6-7-2015. that Late Sri. M. Subrahmanyam is not entitled to get the revised fee from the date of appointment i.e., 16-6-2010

10. Smt. S. Rajyalakshmi W/o Late Sri. M. Subrahmanyam has filed a Writ Petition No: 24697/2015 before the Hon'ble High Court, Hyderabad, wherein she has requested to issue a writ or Mandamus or any other appropriate Writ or Order or Direction :

i. Declare Memo No: 3969 Dt. 06.07.2015 given by the Govt of A.P as arbitrary, illegal, unjust, unreasonable and discriminatory.
ii. Declare the revised fee structure is applicable from the date of initial appointment of late Sri M. Subrahmanyam i.e., 16.06.2010.
iii. Issue a consequential direction directing the respondents to take forthwith immediate steps for release and payment of balance fee payable to late Sri M. Subrahmanyam.

11. The Hon'ble High Court headed by learned single Judge on 06.11.2015 Ordered as follows:-

"The liability to pay the increase in fee as per G.O.Rt.No.479 I&CAD (IS.EA) Dept. Dt. 18.8.2014 with effect from 16.06.2010 shall be discharged by 1st respondent, and it is open to make a claim in this regard from 2nd respondent and recover it, if permitted by law.

Accordingly, the Writ Petition is allowed with the above directions. No order as to costs.

The 1st respondent shall comply with the above directions within a period of two (02) months from the date of receipt of a copy of this order."

12. Further, the Chief Engineer IS&WR, State of A.P filed the Writ Appeal No.36 of 2016 questioning the order of the learned Single Judge in W.P.No.24697/2015 dt: 06.11.2015. **The Hon'ble Division Bench on 10.09.2018 dismissed the W.A.No.36 of 2016 filed by the Chief Engineer, IS&WR. CE, IS&WR.**

13. In the reference 6th read above, while enclosing the copy of the Court Order dt:10.09.2018, Smt.S. Rajyalakshmi, W/o. Late M. Subrahmanyam, Advocate has requested the Government to implement the order of the Hon'ble High Court and pay the arrears of retainer fee and other benefits from 16.06.2010 to 28.3.2013 as per revised fee structure of Sri.M. Subrahmanyam, Advocate, sanctioned by the Govt. vide G.O.Rt.No.479 (I&CAD)(IS.EA) Dept. dt:18.08.2014.

14. After careful examination of entire issue, the Government hereby accord permission to the Chief Engineer, IS&WR to implement the orders / directions passed in W.P.No.24697/2015 dt: 06.11.2015 and judgment passed in WA No.36/2016 dt: 10.09.2018 to make the payment of the arrears of retainer fee and other benefits from 16.06.2010 to 28.03.2013 as per revised fee structure sanctioned vide G.O.Rt.No.479, I&CAD (IS.EA) Dept., Dt: 18.08.2014 in respect of Late Sri M. Subrahmanyam, Advocate.

15. The Chief Engineer IS&WR shall take necessary action, accordingly.

16. This order is issued with the concurrence of Finance Department vide theirU.O.No.FIN01-FMU0RBAB(WR1)/102/2019-FMU-WR-I,Dt:16/12/2019.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

ADITYA NATH DAS, IAS
SPECIAL CHIEF SECRETARY TO GOVT

To
The Chief Engineer, IS&WR, WRD, A.P.,
H.No.39-03-50, 4th Floor, above Kalanjali, Labbipet, Vijayawada.
The Director of Treasuries and Accounts, A.P., Vijayawada.
The Pay & Accounts Officer, A.P.,
1st Floor, C-Block, Anjaniya Towers, Ibrahimpatnam, Vijayawada.
The Accountant General, A.P., Vijayawada.
Copy to:
The Finance (FMU WR I) Department.
P.S. to Special Chief Secretary to Govt., Water Resources Dept.
P.S. to Hon'ble M(WRD)

//Forwarded by order//

SECTION OFFICER